

UNITED STATE DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

UNITED STATES OF AMERICA

v.

MARVIN CATES

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Case Number 3:18-CR-72

**MOTION TO WITHDRAW GUILTY PLEA**

The Defendant, Marvin Cates, by counsel, Philip R. Skodinski, moves the Court to withdraw the guilty plea, in that:

1. The Defendant entered a plea of guilty to Possession of a Firearm a Section 922(g) violation on September 17, 2018, with his sentencing scheduled for January 3, 2018.
2. The defendant had filed a motion to suppress which was denied following an evidentiary hearing on September 6, 2018.
3. The Defendant was subsequently presented with a plea offer and told he had 1 hour to decide whether or not to accept it, or additional charges would be filed against him.
4. The Defendant entered his plea under duress, and would not have been placed in that situation, had his counsel not asked for a continuance.
5. The Defendant wanted the right to appeal the suppression issue.

/s/ Philip R. Skodinski

Philip R. Skodinski 357-71  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 26, 2018, the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Molly Donnelly, Assistant United States Attorney

s/ Philip R. Skodinski  
Philip R. Skodinski 357-71